

United States District Court
for the
Southern District of New York
Related Case Statement

Full Caption of Later Filed Case:

MARK RUBENSTEIN

Plaintiff	Case Number
vs.	22-cv-8929
Y-MABS THERAPEUTICS, INC., Nominal Defendant, and	
THOMAS GAD, Defendant	
Defendant	

Full Caption of Earlier Filed Case:

(including in bankruptcy appeals the relevant adversary proceeding)

DEBORAH DONOGHUE

Plaintiff	Case Number
vs.	21-cv-7182-KPF
Y-MABS THERAPEUTICS, INC., Nominal Defendant, and	
THOMAS GAD, Defendant	
Defendant	

Status of Earlier Filed Case:

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Closed

(If so, set forth the procedure which resulted in closure, e.g., voluntary dismissal, settlement, court decision. Also, state whether there is an appeal pending.)

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Open

(If so, set forth procedural status and summarize any court rulings.)

Plaintiff Deborah Donoghue, a stockholder of Nominal Defendant Y-mAbs Therapeutics, Inc. ("Y-mAbs"), began the action in No. 21-cv-7182-KPF on August 25, 2021. Defendant Thomas Gad filed a motion to dismiss [Dkt. 29], which the Court denied by opinion and order of August 8, 2022 [Dkt. 37]. The parties began discovery.

Not long thereafter, Plaintiff Deborah Donoghue passed away. Her attorney David Lopez noticed her death upon the record on September 21, 2022 [Dkt. 43], and Plaintiff Mark Rubenstein (another Y-mAbs stockholder) sought to intervene to continue the litigation [Dkt. 50]. On October 11, 2022, the Court denied Mr. Rubenstein's request without prejudice to its renewal as a formal motion [Dkt. 52].

Explain in detail the reasons for your position that the newly filed case is related to the earlier filed case.

Both actions are brought under Section 16(b) of the Securities Exchange Act of 1934, and both seek disgorgement of the "short-swing" profit realized by Defendant Thomas Gad from his transactions in the common stock of Y-mAbs. The two cases seek recovery of the same profit realized from the same transactions and rely on identical legal theories. Plaintiff Mark Rubenstein is represented in the later action by the same attorneys who represented Plaintiff Deborah Donoghue in No. 21-cv-7182-KPF.

Signature: /s/ James A. Hunter

Date: 10/19/2022

Law Office of James A. Hunter

Firm: _____